

91st Legislative Session – 2016

Committee: Senate Health and Human Services

Wednesday, February 17, 2016

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Curd
P Heinert
P Jensen (Phil)
P Shorma
P Rusch, Vice-Chair
P Rampelberg, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rampelberg, Chair.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 10.

Moved by: Curd
Second by: Heinert
Action: Prevailed by voice vote.

SB 171: permit and regulate the compassionate use of cannabis and provide penalties therefor.

Proponents: Jessie James, self, Parkston
Opponents: Tim Soundy MD
Tom Martinec, Department of Health
Brian Zeeb South Dakota DCI
Mark Jandt, SD Peace Officers
Trevor Jones, Department of Public Safety
Tony Harrison, self, Rapid City
Staci Ackerman, South Dakota Sheriffs Association
Paul Bachand, States Attorney Association

Terrance Dosch, SD Council of Mental Health Centers

MOTION: AMEND SB 171

171ra

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That the code be amended by adding a NEW SECTION to read:

Terms used in this Act mean:

- (1) "Cannabidiol," a nonpsychoactive cannabinoid found in the plant *cannabis sativa* L. or *cannabis indica* or any other preparation thereof that is essentially free from plant material, and has a tetrahydrocannabinol level of no more than three percent;
- (2) "Intractable epilepsy," an epileptic seizure disorder for which standard medical treatment does not prevent or significantly reduce reoccurring, uncontrolled seizures or for which standard medical treatment results in harmful side effects;
- (3) "Primary caregiver," a person, at least eighteen years of age, who has been designated by a patient's physician, or the patient, as being necessary to managing the well-being of the patient.

Section 2. That the code be amended by adding a NEW SECTION to read:

Upon proper and thorough examination of a patient, a physician may prescribe the use of cannabidiol in liquid, oil, or pill form for treatment of intractable epilepsy. Any patient diagnosed with intractable epilepsy may possess up to the amount of cannabidiol liquid, oil, or pills prescribed by a physician. A physician may not prescribe cannabidiol for illnesses other than intractable epilepsy.

Section 3. That the code be amended by adding a NEW SECTION to read:

A patient in possession of a valid cannabidiol prescription is not subject to prosecution pursuant to chapter 22-42, 22-42A, or 34-20B. A physician properly prescribing cannabidiol is not subject to prosecution pursuant to chapter 22-42, 22-42A, or 34-20B. A primary caregiver as defined in section 1 of this Act or a custodial parent of the patient may assist in the administering of the prescribed cannabidiol to the patient and is not subject to prosecution pursuant to chapter 22-42, 22-42A, or 34-20B. A pharmacist or other medical professional handling cannabidiol pursuant to this Act is not subject to prosecution pursuant to chapter 22-42, 22-42A, or 34-20B. However, improper possession or use of a valid cannabidiol prescription by any person is subject to prosecution pursuant to chapter

22-42 or 22-42A."

Moved by: Curd
Second by: Heinert
Action: Prevailed by voice vote.

MOTION: AMEND TITLE OF SB 171

171rta

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "authorize the limited use of certain types of medical marijuana."

On page 1, delete line 2.

Moved by: Curd
Second by: Jensen (Phil)
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 171 UNTIL ANOTHER DAY

MOTION: ADJOURN

Moved by: Rusch
Second by: Heinert
Action: Prevailed by voice vote.

Marilyn Seymour
Committee Secretary

Bruce Rampelberg, Chair